

| | | | |
|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/031,806 | LEWOLT, BRUCE | |
| | Examiner | Art Unit | |
| | TIMOTHY MUSSELMAN | 3715 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to req for reconsideration t filed 10/21/2010.
2. ☒ The allowed claim(s) is/are 1-6,8-17,20-53,55-66,69-104 (renumbered as 1-98).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>20100909</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

Examiner Comments

This action is supplemental to the non-final rejection issued on 3/16/2010. This action is supplemental to correct a situation that arose when applicant filed a RCE on 3/17/2010, unaware that the case had been reopened the day before. At the time of the incident, examiner advised applicant not to take any action until the office sent out a notice of incorrect RCE, which the examiner believed would be sent out timely and would also reset the time period. However, the notice of improper RCE was not sent out until 5 months later on 8/17/2010, and further did not reset the time period as examiner had mistakenly indicated it would. Thus it was decided that applicant should not be held accountable for the three months of extension fees, and a supplemental office action would be issued to correct the situation. In an interview dated 8/24/2010, applicant and examiner agreed upon examiners amendments that could be made to place the case in condition for allowance, and in the interest of bringing this application to a conclusion, that option is pursued herein via a supplemental action.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a brief telephone discussion with applicant's attorney Steve Hassid on Aug 24th, 2010. The amendment is to place the case in condition for allowance and correct minor 35 U.S.C. 112 issues.

The amendments to the claims are as follows:

In claim 1, beginning on line 2, replace "comprising:", with – comprising the computer implemented steps of: --.

Art Unit: 3715

In claim 1, beginning on line 16, replace "a student", with – the person --.

In claim 1, beginning on line 22, replace "person, and not the computer system, is", with -- person is --.

In claim 1, beginning on line 23, replace "correct.", with – correct; wherein said person's evaluation of said answer is selected from the group consisting of: incorrect, correct and easy, correct and difficult. –

CANCEL CLAIM 19.

In claim 41, beginning on line 2, replace "the steps", with -- the computer implemented steps --.

In claim 41, beginning on line 65 (or alternatively page 3 line 9), replace "person, and not the computer system, is", with -- person is --.

In claim 48, beginning on line 2, replace "the steps", with – the computer implemented steps --.

In claim 48, beginning on line 8, replace "exhibition a template" with -- exhibition template --.

In claim 48, beginning on line 16, replace "whereby, with said user repeatedly presented with exhibitions template query", with – with said user repeatedly presented with exhibition template queries --.

In claim 48, beginning on line 19 (or alternatively page 2 line 3), replace "user, and not the computer system, determines", with -- user determines --.

Art Unit: 3715

In claim 48, beginning on line 20 (or alternatively page 2 line 4), replace “correctly.”, with – correctly; wherein said user’s evaluation of said answer is selected from the group consisting of: an indication of said answer being incorrect, an indication of said answer being correct, an indication of said answer being correct and easy, and an indication of said answer being correct and difficult. --.

CANCEL CLAIM 68.

In claim 93, beginning on line 2, replace “the steps”, with – the computer implemented steps --.

In claim 93, beginning on line 62 (or alternatively page 3 line 28), replace “user, and not the computer system, determines”, with -- user determines --.

In claim 100, beginning on line 2, replace “the steps”, with – the computer implemented steps --.

In claim 100, beginning on line 13, replace “student’s”, with – user’s --.

In claim 100, beginning on line 17, replace “understanding.”, with -- understanding; wherein said user’s evaluation of an answer to said exhibition is selected from the group consisting of: incorrect, correct, correct and easy, and correct and difficult. --.

CANCEL CLAIM 105

CANCEL CLAIM 106

Reasons for Allowance

Allowance is seen in, although not limited to, independent claims 1, 41, 48, 93, and 100, because the prior art does not teach or suggest a system wherein a user creates or designates questions

Art Unit: 3715

from designated material, wherein *the same user* is questioned with their created/designated questions, and wherein the same user (*not the system*) determines whether or not the material has been mastered by indicating whether their own answers to their own questions were correct, incorrect, correct and easy, or correct and difficult, and wherein the system re-presents the same user created/designated questions based upon this user evaluation of their own answers, emphasizing questions in which the user indicated a lack of understanding.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY MUSSELMAN whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T.M./ - Examiner of Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715